SUBCOMMITTEE NO. 4 Agenda Committee on State Admin., General Govt., Judicial, <u>Transportation and Corrections</u>

Chair, Senator Mark DeSaulnier



December 12, 2008

10:00 A.M.

Room 112

(Keely Bosler)

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			Gov Proposal	1	L	AO Options		Nove	ember Alternat	tive	Senate Re	publican Alt	ernatives
	Program Reduction	2008-09	2009-10	Total	2008-09	2009-10	Total	2008-09	2009-10	Total	2008-09	2009-10	Total
.ludi	cial Branch												
1	Suspend Full Implementation of Conservatorship and Guardianship Reform Act of 2006. These funds were originally proposed in 2007 to support implementation of the Act. They were vetoed in 2007 and not included in the 2008-09 Budget Act. The LAO proposes as an option postponing full implementation for another year. This Act significantly increased court oversight of the state conservatorship system for elderly and dependent adults. Some courts have implemented some of the reforms contained in the Act. However, a recent report from the Judicial Council found that most courts were underresourced for their existing conservatorship caseload, not including the additional workload created by the Act.				0.0	17.4	17.4						
2	Make One-Time 2008-09 Reductions Permanent. The 2008-09 Budget Act included one-time reductions to the trial courts (\$92 million) and the State Judiciary (\$11 million). In most cases local trial courts are using reserve funds to backfill these reductions and the State Judiciary is postponing expenditures and freezing expenditures to stay on budget. The LAO has provided as an option making these cuts ongoing to save additional funds in the budget year. These funds support basic court operations.				0.0	103.5	103.5						
3	Suspend State Appropriations Limit (SAL) Adjustment for One Year. State law requires that the budget for the trial courts receive an annual budget increases equivalent to the year-over-year growth in the SAL to accommodate the general growth in court activity. This growth was cut roughly in half in the 2008-09 Budget Act. The LAO finds that the courts have significant reserves that could help the courts manage funding growth in the budget year.				0.0	99.9	99.9						
4	Partially Eliminate COLA Funded in 2008-09 in lieu of SAL Adjustment. The 2008-09 Budget Act did not include the full SAL adjustment required by state law and instead included a lower growth rate equivalent to the California CPI (2.7 percent). This saved the state \$56 million in the current fiscal year. The LAO proposes a further reduction (50 percent) to the growth provided to the trial courts in the 2008-09 Budget Act.				35.1	35.1	70.2	35.1	35.1	70.2			
5	Implement Electronic Court Reporting. Current law requires the use of shorthand reporters to create and transcribe the official record of most court proceedings. The LAO recommends phasing in the use of electronic reporting equipment for some court proceedings. This would save the trial courts money and in some cases increase access to justice by significantly reducing the cost of providing transcripts to court participants.				0.0	12.6	12.6						
6	Trial Court Security Reform. Current law requires that county sheriff deputies provide security for the trial courts. In order to help contain the cost of court security, the LAO recommends phasing in competitive bidding for court security.				0.0	20.0	20.0						

		Gov Proposal		L	AO Options		Nove	mber Altern	ative	Senate Ro	epublican Al	ternatives
Program Reduction	2008-09	2009-10	Total	2008-09	2009-10	Total	2008-09	2009-10	Total	2008-09	2009-10	Total
7 One-Time Transfer from Trial Court Improvement Fund. When the trial courts were consolidated, several funds were set up to support this consolidation effort. The funds in the Trial Court Improvement Fund are set aside for these types of investments, including the Case Management System that will enable the judicial branch to transfer case information from one court jurisdiction to another. The LAO has propose as an option transferring, on a one-time basis, monies from the Trial Court Improvement Fund. This would significantly delay many of the consolidation projects being undertaken by the Judicial Branch, including the Case Management System.				61.0	0.0	61.0	61.0	0.0	61.0			
8 One-Time Transfer from State Court Facilities Construction Fund. The Judicial Branch is in the process of modernizing and replacing many outdated and overwhelmed courthouses. This fund was set up to support the renovation and replacement of obsolete courthouses when the trial courts were consolidated. The LAO has provided as an option transferring, on a one-time basis, funds from the State Court Facilities Construction Fund to the General Fund. This may impact the construction schedule of approved courthouse projects.				0.0	40.0	40.0						
Further Delay Appointment of Additional Judges. The 2008-09 Budget Act delayed the appointment of 50 new judgeships until the 2009-10 fiscal year. The LAO provides as an option further delaying the appointment of the new judges for at least another year. In 2006 the Governor proposed appointing 150 new judgeships to address the growth of the state. The Legislature authorized the first 50 judgeships in 2006 and they were appointed in 2007 and 2008. The second 50 judgeships that were authorized by the Legislature in 2007 have not been appointed and are the judgeships proposed for delay by the LAO option.				0.0	57.1	57.1						
TOTAL	0.0	0.0	0.0	96.1	385.6	481.7	96.1	35.1	131.2	0.0	0.0	0.
141712	0.0	0.0	0.0	30.1	000.0	701.7	30.1	00.1	101.2	0.0	0.0	

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			Gov Proposal			AO Options		Nove	ember Altern	ative	Senate Re	epublican Al	ternatives
	Program Reduction	2008-09	2009-10	Total	2008-09	2009-10	Total	2008-09	2009-10	Total	2008-09	2009-10	Total
Depa	rtment of Justice												
1	Charge Forensic Lab Fees. The Department of Justice has 12 forensic labs that serve				0.0	20.5	20.5						
	46 counties that do not have county funded forensic labs. These labs are fully funded by												
	state funds even though they directly support local law enforcement. The LAO has												
	recommended for several years that fees be charged to local law enforcement agencies												
	for services performed by the state labs. The LAO finds that the labs directly benefit												
	activities that are the responsibility of local government.												
	TOTAL	0.0	0.0	0.0	0.0	20.5	20.5	0.0	0.0	0.0	0.0	0.0	0.0
041													
Othe	r Public Safety		, ,						,		, ,		,
1	Victim Compensation and Government Claims Board. The Restitution Fund supports				30.0	0.0	30.0						
	victim compensation and various other programs. It is funded from criminal fines and												
	penalties. The Restitution Fund has had a significant balance over the last several years												
	and the 2008-09 Budget Act includes a transfer of \$50 million from the Restitution Fund to												
	the General Fund. The LAO recommends transferring another \$30 million from the												
	Restitution Fund balance to the General Fund in the current fiscal year.												
2	Commission on Peace Officer Standards and Training. A portion of the support for the				0.0	4.0	4.0						
_	Commission comes from the Driver Training Penalty Assessment Fund and is allocated to				0.0	4.0	4.0						
	the Commission by Control Section 24.10 of the budget act. The 2008-09 Budget Act												
	reduced the transfer to the Commission by \$6 million, thereby saving \$6 million in General												
	Fund. The LAO recommends reducing the transfer by an additional \$4 million in the												
	budget year. This would require the Commission to further rely on reserve funds to												
	support its current program level.												
	TOTAL	0.0	0.0	0.0	30.0	4.0	34.0	0.0	0.0	0.0	0.0	0.0	0.0

		(Sov Proposal			LAO Options		Nover	nber Altern	ative	Senate R	epublican Alte	ernatives
	Program Reduction	2008-09	2009-10	Total	2008-09	2009-10	Total	2008-09	2009-10	Total	2008-09	2009-10	Total
	Law Enforcement												
Loca	Overview. The Governor has proposed realigning vehicle license fee (VLF) revenues that currently support the Department of Motor Vehicles to a new Local Agency Public Safety Account to support local law enforcement subventions. This will result in \$689.8 million in General Fund savings over the current and budget years. Over the current and budget years combined, \$451 million in VLF revenues will be used to backfill the General Fund reduction. This VLF backfill does not cover all of the local law enforcement subventions funded in the 2008-09 Budget Act and the Governor has proposed reducing and eliminating some local law enforcement programs in the current and budget years. The Governor's proposals for each program are detailed below. In addition, the VLF revenues used to backfill these subventions currently support DMV operations and the Governor has proposed increasing the annual vehicle registration fee by \$12 to backfill DMV operations. (The numbers in italics listed below are the VLF expenditures the Governor has proposed	188.7	501.1	689.8				188.7	501.1	689.8			
1	to support these programs in the current and budget years.) Citizens' Option for Public Safety (COPS) Program. Under the COPS Program counties and cities receive state funds, on a population basis, to augment primarily local funds for district attorneys, county jail construction and operation and front-line law enforcement. The COPS program was funded at \$107 million in the 2008-09 Budget Act. The Governor proposes to shift funding for this program from the General Fund to vehicle license fee revenues and to reduce this program by \$17.7 million and \$11.3 million in the	(26.9)	(95.8)	(122.7)				(26.9)	(95.8)	(122.7)			
2	Current and budget years, respectively. Juvenile Justice Crime Prevention Act (JJCPA) Program. The JJCPA program provides funding to local governments for services that target at-risk juveniles, juvenile offenders, and their families. The LAO has found that investments in this program save the state money by diverting juveniles from the state corrections system. The JJCPA program was funded at \$107 million in the 2008-09 Budget Act. The Governor proposes to shift funding for this program from the General Fund to vehicle license fee revenues and to reduce this program by \$17.7 million and \$11.3 million in the current and budget years, respectively. This program is tied to the COPS program in statute.	(26.9)	(95.8)	(122.7)				(26.9)	(95.8)	(122.7)			
3	Juvenile Probation Funding. The California Department of Corrections and Rehabilitation (CDCR) allocates this funding to counties for public safety programs targeting juveniles. The Juvenile Probation Funding program was funded at \$151.8 million in the 2008-09 Budget Act. The Governor proposes to shift funding for this program from the General Fund to vehicle license fee revenues and to reduce this program by \$25.1 million and \$16 million in the current and budget years, respectively.	(38.2)	(135.9)	(174.0)				(38.2)	(135.9)	(174.0)			
4	Juvenile Camps Funding. The CDCR allocates this funding to counties that operate juvenile camps and ranches to help support operations. This program was funded at \$29.4 million in the 2008-09 Budget Act. The Governor proposes to reduce funding for this program by \$12.3 million in the current year and eliminate funding for this program in the budget year.	0.0	0.0	0.0				0.0	0.0	0.0			

			Gov Proposal			LAO Options		Nove	ember Altern	ative	Senate R	ernatives	
	Program Reduction	2008-09	2009-10	Total	2008-09	2009-10	Total	2008-09	2009-10	Total	2008-09	2009-10	Total
5	Small and Rural Sheriffs Program. This program has historically provided approximately \$500,000 to 37 county sheriff departments. This program was funded at \$16.7 million in the 2008-09 Budget Act (\$450,000 to each county). The Governor proposes eliminating funding for this program in the budget year.	0.0	0.0	0.0				0.0	0.0	0.0			
6	Booking Fees. Booking fees are charges that counties impose on cities and other local agencies to recover the costs associated with booking persons into the county jail. Current law restricts counties from charging booking fees and, in exchange, the state provides counties with subventions intended to offset the resulting loss in revenue. This subvention was funded at \$31.5 million in the 2008-09 Budget Act. The Governor proposes funding this subvention at the same level in the budget year.	0.0	(31.5)	(31.5)				0.0	(31.5)	(31.5)			
7	Office of Emergency Services - General Fund Grant Programs. The Governor proposes reducing in the current year and eliminating in the budget year local law enforcement grant funding for ten programs administered by the Office of Emergency Services. The programs eliminated include the California Multi-jurisdictional Methamphetamine Enforcement Team program, vertical prosecution block grants, high technology theft apprehension and prosecution program, and others. These programs were funded at \$57.4 million in the 2008-09 Budget Act. The Governor proposes to reduce these programs by \$23.9 million in the current year and eliminate funding for these programs in the budget year.	0.0	0.0	0.0				0.0	0.0	0.0			
8	Office of Emergency Services - Restitution Fund Grant Programs. The LAO has proposed as an option eliminating recently established grants supported by the Restitution Fund. The revenues deposited in the Restitution Fund can be transferred to the General Fund. Specifically, the LAO proposes as an option eliminating the California Gang Reduction Intervention and Prevention program and the Internet Crimes Against Children Task Force and transferring the Restitution Fund to the General Fund.				30.0	0.0	30.0						
9	Office of Emergency Services - Administration. The LAO also finds that if the Governor's proposals to eliminate funding for the twelve local law enforcement programs detailed above are approved there will be additional administrative savings at the Office of Emergency Services.				1.7	8.4	10.1						
	TOTAL	96.7	142.1	238.8	31.7	8.4	40.1	96.7	142.1	238.8	0.0	0.0	0.

	Drogram Bodustion	2008-09	Gov Proposa 2009-10	Total	2008-09	LAO Options 2009-10	Total	2008-09	ember Alterna 2009-10	ative Total	2008-09	epublican Alt 2009-10	ternatives Total
	Program Reduction	2000-09	2009-10	IOIAI	2006-09	2009-10	TOTAL	2006-09	2009-10	TOTAL	2006-09	2009-10	Total
Cali	ornia Department of Corrections and Rehabilitation												
1	Overview. Expenditures on state corrections are driven primarily by the number of inmates the state incarcerates and parolees the state supervises in the community. In very broad terms, these number are impacted by policies that effect who goes to state prison, how long offenders spend in prison, and how and how long offenders are supervised on parole. The Governor has put forward a package of policy proposals that impact all of these things. The LAO has also put forward several options in addition to the Governor's proposals. All of the savings presented by the LAO may not be achievable collectively with the Governor's proposals because there is considerable overlap in the offenders impacted by the various proposals. Inmate Credit Changes. The Governor proposes changes to the system in which inmates earn credits for good behavior in prison. Currently most inmates that follow state prison rules earn one day credit for every day they serve in prison. The Governor's proposal would make the following changes: (1) extend the day for day credit to the jail time an inmate serves as part of a prison sentence (currently inmates get one day for every three days served in jail); (2) provides up to four months in additional credits for completing specific rehabilitation and educational programs in prison; (3) and extends enhanced credit earning status of fire camp inmates to inmates waiting to be transferred to	7.8	104.4	112.1									
	fire camp (currently inmates in fire camps earn two days for every one day served).												
2	Parole System Changes. (1) The Governor proposes changes to the current system of parole that currently places nearly all offenders on parole for up to three years. The Governor's proposal would provide that all inmates with non-serious, non-violent, non-sex offenses that also do not have serious, violent or sex offense priors be directly discharged from prison and not placed on parole. This would make California's parole policies similar to most other states that do not supervise all inmates released from prison. (2) The LAO has proposed an alternative risk-based parole system for non-serious, non-violent, non-sex offenders. A risk-based parole system is based on a risk assessment that evaluates an offenders risk factors in addition to commitment offense to determine how likely they are to re-offend. Under the LAO's proposal low risk offenders would be directly discharged from prison and moderate risk offenders would be placed on parole for six months.	19.9	206.2	226.0	25.0		75.0						
3	Alternative Sanctions for Parole Violators. (1) The Governor has proposed and the administration is currently implementing a matrix of alternative sanctions for parole violators. Alternative sanctions include GPS monitoring, residential drug treatment, and community work crews. The savings related to this policy change (\$22 million) have already been counted in the current fiscal year. (2) The LAO also proposes the use of alternative sanctions en lieu of revocation to state prison. Specifically the LAO recommends that all technical and misdemeanor parole violators not be returned to prison, which would result in significantly more savings than scored under the Governor's proposal.	0.0	22.0	22.0	138.0	262.0	400.0						

	1		Gov Proposal	1	1	AO Options		Nov	ember Alterna	ative	Senate R	epublican Alf	ternatives
	Program Reduction	2008-09	2009-10	Total		2009-10	Total	2008-09	2009-10	Total	2008-09	2009-10	Total
4	Alternative Sanctions for Parole Violators - Monitoring and Mentoring. The Senate Republicans have proposed a monitored house arrest alternative that diverts low- and moderate-risk parole violators who are not awaiting prosecution for a felony offense, who have no violent, gang-related, or sex-related priors, and who would otherwise be returned to custody for a period of no more than 10 months to GPS monitored house arrest if they also post a bond to ensure against flight. Some of the savings from this proposal would be used to implement a parolee mentoring program. This program would cost \$10 million in the current year and \$20 million in the budget year.										0.0	27.4	27.4
5	Update to Property Crimes. The Governor has proposed adjusting the threshold for certain property crimes to reflect inflation. Some of these thresholds have not been adjusted since 1982. For example, adjusting grand theft for inflation would increase the current threshold from \$400 to \$950.	0.0	51.3	51.3									
6	Other Adjustments. The Governor's overall package of corrections policy changes will reduce prison and parole populations, which will result in other operational savings at the department. Other savings are related to a reduced demand for the operations of the Board of Parole Hearings, parole and correctional officer academies, and parole programs. The package of reforms also has some one-time costs (\$2.5 million in the current year and \$6.6 million in the budget year) related to implementing the changes to inmate credits and the parole system.	18.2	272.4	290.6									
7	Change "Wobbler" Crimes to Misdemeanors. Current law allows some crimes to be charged as either misdemeanors or felonies. These crimes are referred to as "wobblers" and include drug possession and petty theft with a prior. The LAO proposes changing the "wobbler" crimes to straight misdemeanors.				128.0	261.0	389.0						
8	Change Three Strikes Sentence Enhancement. The LAO proposes requiring second and third "strikes" to be serious or violent for an offender to get a full "three strikes" sentence enhancement. The LAO finds that this would prioritize limited prison resources for the most serious and violent offenders.				10.0	50.0	60.0						
9	Early Release Option 1. The LAO proposes as an option to reduce corrections expenditures to release all non-lifer inmates 30 days early. National research has shown that early release has no statistical impact on crime rates in communities and California has employed this option as a way to save money in the past.				27.0	53.0	80.0						
10	Early Release Option 2. The LAO proposes as an option to reduce corrections expenditures to release inmates that arrive at state prison with less than six months left to serve on their prison sentence.				14.0	29.0	43.0						
	Shorten Parole Revocations. The LAO proposes to reduce by one month the amount of time parolees are sent back to prison on a parole revocation.				48.0	96.0	144.0						
12	Fees for Parolees. The LAO proposes as an option for raising revenue to support parole a monthly supervision fee paid by parolees. The LAO assumes a fee of approximately \$40 per month and that 50 percent of offenders would pay the fee.				16.0	31.0	47.0						
1	TOTAL	45.8	656.3	702.1	406.0	832.0	1,238.0	0.0	0.0	0.0	0.0	27.4	27.4